



MINUTES BOARD OF LIVESTOCK MEETING

May 17 & 18, 2010
Veterinary Diagnostic Laboratory
Bozeman, Montana

Monday May 17, 2010

BOARD MEMBERS PRESENT:

Jan French, Chair, cattle producer
John Lehfeltdt, sheep producer
Linda Nielsen, Vice-chair, cattle producer

Jeffery Lewis, dairy producer
Stan Boone, cattle producer

ABSENT

Ed Waldner, swine producer

Brett DeBruycker, cattle producer

STAFF PRESENT:

Dan Turcotte, Milk & Egg Bureau
Dr Jeanne Rankin, Animal Health
Dr Marty Zaluski, Animal Health
John Grainger, Brands Enforcement

Carol Olmstead, Meat Inspection Bureau
Dr Eric Liska, Animal Health
Dr Tahnee Szymanski, Animal Health
Dr Layton, Veterinary Diagnostic Lab

PUBLIC PRESENT:

Bill Brewster
John Scully
Jim Hart, Madison Co
Hope Stockwell, Legislative Audit Division
Marty Malone, Park Co. Commissioner
John Bold
Rod Meier, DVM, USDA APHIS
Susan Broyles, Montana Beef Council
Sam Connolly
David Allderdice
Les Graham, MT Livestock Market Assn/Farm Bureau

Ariel Overstreet, Montana Stockgrowers Assn.
Dr. Ryan Clarke, USDA APHIS VS
Pat Murdo, Legislative Audit Division
Meg Smith
Druska Kinkie
Ray Shaw
Jeanne Souvigney
Tom Rice, Beaverhead County
Jeff Jacobson, MSU
Tom Milesnick

1:00 CALL TO ORDER

ADMINISTRATIVE ITEMS

Board Communications:

- Jan French, Hobson
 - dry with moisture all around us
 - recently sold cows for 70 and 72 cents
- Jeff Lewis, Corvallis
 - extremely dry, irrigating has started
 - cull cow prices are good
 - dairy industry is stagnant right now
- Stan Boone, Ingomar
 - dry, lots of grass but it needs rain to grow
- John Lehfeltdt, Lavina
 - dry also
 - wool prices have moved forward as far as they are going to
 - lambs 30% better than last year

MINUTES BOARD OF LIVESTOCK MEETING

- Linda Nielsen, Nashua
 - just received 1 1/4 inches of rain
 - cattle and beef prices are very good going through the market
 - market is holding a horse sale this week

Approval of Minutes:

Stan Boone moved to accept the March 2010 minutes as presented. John Lehfeldt seconded. The motion carried unanimously.

Interim Authorizations and Activities:

- Chair Jan French approved out-of-state travel for Dr Szymanski to attend a new Animal ID program meeting in Kansas City. USDA APHIS paid all travel expenses for attendees.
Linda Nielsen moved to approve the chair's interim authorization. Stan Boone seconded. The motion carried unanimously.

Executive Officer Reports:

John Lehfeldt moved to approve the executive officer report as presented. Jeff Lewis seconded. The motion carried unanimously.

DIVISION REPORTS

Brands Enforcement, John Grainger

- Choteau Herd District
 - Rocky Highfill broke his neck
 - DOL district investigator Paul Johnson is helping as requested by County Sheriff and Commissioners until Rocky is back to work
 - Christian Mackay and Grainger attended the first meeting with county officials regarding the John Bold complaint.
 - John Grainger attended the second meeting and reiterated rules and authority -
 - County Attorney and Sheriff Office have rules and said they would let everyone know who is responsible
 - Paul Johnson is helping out on this issue
- Legislative Audit Committee Recommendations
 - actions have already been taken which should meet recommendations
 - developing draft ARM rules is already in the works
 - board will publish a policy on brands; what does/does not constitute a brand
 - scored RFP's last week
 - working on a staff procedure manual to address brands application and transfer
 - Senator Brennan is bringing a proposed law regarding staggered brand rerecord
 - there is more than the money involved in staggering brand renewal
 - owners of multiple brands might have to rerecord a brand each year
 - difficult to issue brands during rerecord because of possible changes,
 - Christian reported on other state brand procedures: Wyoming rerecords half every 5 years, California every 2 years, Idaho once a year
- A survey will be sent out with every brand rerecord reminder to ask for producer input regarding a staggered rerecord. Les Graham, MLMA and Ariel Overstreet, MSGA said producer organizations will help spread the survey.

Stan Boone, board member, suggested the department do a mail out to registered brand owners informing them of the proposed new law for their input.

MINUTES BOARD OF LIVESTOCK MEETING

Animal Health, Dr Zaluski

- Action Item 5.10.1 - OCV
 - conducted seven producer meetings regarding implementation (or not) of OVC 4 - 12 months of age
 - compiled comments (attached) which range was from one spectrum to the other
 - Options for action by BOL include (among others)
 1. take no action and rely on a "volunteer" effort
 2. rely on a rule that would address adult breeding herd where unvaccinated females would not be eligible for sale as breeding stock
 3. an adult rule would allow better veterinary access where it can be scheduled from 4 to 12 months

Board Comments

- Jeff Lewis would like pursue OVC
- John Lehfeltdt agreed
- Stan Boone - move forward
- Linda Nielsen- breeding animals should be vaccinated but the northeastern area was definitely against the first draft
- Brett DeBruycker - against it as it is right now (per phone call)
- Jan French - existing draft is worded badly, needs to be revised for more clarity

Producer comments

- Les Graham, speaking for Paul Ringling who was unable to attend - a strong PR campaign to help producers understand the issue. Les said the market association would like to help with a campaign on this.
- Gary Metcalf agreed it is a good idea, marketing in the future if they have to hold them (cattle) over

Jeff Lewis moved to proceed to focus on adult breeding cattle, bring a revised draft to the next meeting. Stan Boone seconded. The motion carried unanimously.

- Action Item 5.10.2 - Federal Tuberculosis Order
 - on April 15 USDA created a federal order with three significant changes in the TB order
 1. no mandatory downgrade in state status
 2. ended restrictions of cattle coming from modified accredited advanced states
 3. increased surveillance in states that have a wildlife reservoir
 - Dr Zaluski recommended that Montana update the current TB order to address the new federal changes
 1. lift the TB test requirement on New Mexico and California as negligible risk
 2. incorporate sporting bovine in order
 - testing requirements will not be lifted for states with problem wildlife reservoir
 - required testing on all dairy cattle will continue

John Lehfeltdt moved to adopt the changes to the TB order as presented. Linda Nielsen seconded. The motion carried unanimously.

- Roy Brown letter, Christian Mackay
 - letter dated April 23 to executive officer Christian Mackay from Bart Campbell, staff attorney for Attorney General's office stated that Senator Roy Brown, Legislative Economic Interim Committee, questioned:
 - can animal health officials direct local brand inspectors on duties?

MINUTES BOARD OF LIVESTOCK MEETING

- is there statutory authority allowing brand inspectors to enforce testing requirements?
- Christian Mackay explained that the brand inspection paperwork was changed several years ago to encompass animal health issues
- 32-3-111, MCA states the state veterinarian may declare any area of the state an epizootic area
- Clyde Peterson, department attorney, gave the opinion that yes "deputy" stock inspectors have authority under the above rule and are in compliance with the law
- they are providing a service to producers in the DSA and a protection for those outside the DSA, the alternative method is quarantine
- Dr Zaluski further explained
 - DOL's ability to have some controls provides other states more confidence in animals coming out of Montana
 - in 2008 the board approved three state area supervisors designated as brand/animal health inspectors (paid 50% each by Animal Health and Brands)

Comments

- Pat Murdo, Legislative Affairs Division
 - board can only authorize what is in statute, the issue may be in ARM
 - suggested attorneys discuss issues and if authority is not in statute it put it in statute
 - John Lehfeltdt, board member, have a legal opinion written and respond to Senator Brown

The board charged Dr Zaluski, Christian Mackay and John Grainger to get together with Clyde Peterson to respond to the Economic Affairs Interim Committee regarding the letter.

- Action Item 5.10.3 - Response to EAIC regarding DSA
 - The EAIC working group recommendations regarding DSA for brucellosis included:
 - provide a new Order on which MEPA has been conducted
 - adherence by the Board of Livestock
 - department to statutes to protect livestock
 - provide an action plan with FWP at the first annual review of DSA
 - implementation plan from DOL to EAIC meeting in May
 - Support of an oral brucellosis vaccine for wildlife
 - provide an end date of 2012 for the DSA
 - Section II, producers using best management practices would no longer be considered part of the DSA
 - Section III - replace testing of animals every three years with public funding
 - board reply to recommendations:
 - the IBMP was based on MEPA but dealt with bison
 - ongoing DSA review shows we have 60 herd plans out of 200 DSA affected producers
 - BOL with FWP twice to coordinate and plan two meetings (minimum) annually in the future
 - support for an oral vaccine - Jeff Jacobson , Dean of College of Ag, MSU reported on the status of vaccine development - 65 candidates down to 13 at Texas A&M, testing on bison yearlings with a 70% efficacy, Tri-states MT/WY/ID are working together to secure funds to pursue this
 - comments regarding a proposed end date of 2012 for the DSA:

MINUTES BOARD OF LIVESTOCK MEETING

- Christian Mackay, cannot submit an end date as long as we have federal regulations that require some continued surveillance and we have a reservoir of disease
- Dr Ryan Clarke, USDA APHIS VS, the new federal regionalization concept buys into designation of an infected area (similar to DSA)
- Dr Zaluski, if producers want a DSA end point, conversation can be done
- Section II comments on
 - how can someone within the area not be part of the area
 - testing /surveillance is another issue because other states will enact testing restrictions either on the seven county area or the whole state
 - it is difficult to see how enforcement of best management can be opted out of DSA, how do we discern healthy herd from another at-risk herd?
 - other states will still require testing of animals coming from the DSA area, best management practices or not
- Section III comments
 - Christian, the department is looking at future state funding and APHIS may be able to shift funds under new guidelines to address the Greater Yellowstone Area
 - Dr Zaluski, am completely committed to funding as department is able

The board requested Dr Zaluski to provide answers at the May 26 EAIC meeting.

Chair Jan French suggested all board members attend the interim committee meetings at May 26. This is an important meeting where the veterinary diagnostic lab will also be discussed.

3:00 PM	Recess
3:15 PM	Reconvene

Guest Speaker

- Waded Cruzado, President Montana State University
 - came here from New Mexico University, a land grant university as is MSU, which was tight with agricultural producers
 - has spent the last four and a half months sharing the origin and history of land grant universities
 - goes to the heart of who we are in Montana
 - looking at funding, ways to avoid cuts while improving programs

Legislative Economic Interim Committee question about Beef Council funds

- Could Beef Council money received by the DOL be used toward the new VDL or for DSA?
 - Jeffery Lewis, BOL member and member of the Beef Council, replied that Beef Council rules only allow such monies to be used for meat promotion (not live cattle)

Veterinary Diagnostic Laboratory, Dr Layton

- NAHLN membership, VDL was asked to go from contract lab to member lab
 - members are provided more funding
 - received a \$55,000 salary grant or can be used for needed equipment
- State Homeland Security Grant \$143,234 homeland security funds were requested
 - VDL was awarded \$80,000 will use for purchase of equipment
- Legislative Economic Committee on proposed new joint or individual laboratory

MINUTES BOARD OF LIVESTOCK MEETING

- will meet with the Legislative Economic Committee on May 25 and 26
- along with Christian Mackay and Jan French to review Hope's presentation on the VDL
- Department of Agriculture seems happy with the lab they have, Fish, Wildlife and Parks expressed some interest; no one is making any commitments
- accreditation highly valuable, join NALN, grant applications, national recognition
- Hope Stockwell, LAD said the committee wants the board to discuss funding sources at the meeting
- Dr Layton said you must have a plan before you can apply for grants, is there going to be a joint lab? must get a plan in place before proceeding
- Hope suggested Build America Bonds - initiated under the AARA to allow states to issue taxable bonds with federal payment of 35% of the interest for 2009 & 2010 - has been extended w/interest payment down to 30%, -would require legislative authority
- Pat Murdo, LAD said the committee is looking for what the board wants
 - funding right now
 - combined lab with what parties
 - need to put forward a proposal at the meeting from which the committee can pick options,
 - planning part is typically about 12% of the total cost
 - can ask Legislature for planning funds
- Chair Jan French
 - asked how to get past the the problem of getting response from other agencies, just ask are they interested?
 - someone has to be in charge and get going
- John Lehfeldt, board member asked is it possible to integrate the new lab with courses at MSU or move to utilize an available/suitable warehouse
- Dr Layton explained is could be a security and liability issue (diseases vs. students) and yes some states are currently housed in suitable warehouse space

The Board will have something for the committee at the May meeting.

- Tritrichomonas testing problem
 - noticed discordant test results, reran the test, came out okay
 - sent samples to an outside lab using extracts and came up with different results
 - reviewed policies on samples, looking for reasons and shut down Trich testing as a part of mandate on quality control
 - resolving the problem resulted in a \$22,000 loss from fee generation, and labor
 - considered a cheap investment in terms of quality control (Trich)
 - great exercise to make that department look at procedures
- Out-of-State Travel request
 - request board authorization for himself and two lab quality managers
 - to NVSL to attend quality control course in Ames, Iowa
 - -paid for by NALM

Jeff Lewis moved to authorize the out-of-state travel as presented. Stan Boone seconded. The motion carried unanimously.

Meat Inspection, Carol Olmstead

- participating in a HACCP (food safety system) class tomorrow in Bozeman with 17 expected attendees

MINUTES BOARD OF LIVESTOCK MEETING

- meat HACCP training is mandatory
 - the Hutterite colonies are requesting egg HACCP because Walmart is requiring HACCP training for their products (eggs, etc)
- the annual Montana Meat Processors Association meeting is in Lewistown
 - at issue is the publication for USDA proposed "validation guidelines" which could be onerous to small plants in Montana (extreme testing)
 - encouraged all Montana plant owners to send in comments
 - there is nothing new on the Proposed Rules for Interstate Shipment

PRODUCER ORGANIZATION UPDATES

- Montana Stock Growers Association, Ariel Overstreet
 - invited all to attend the annual meeting, June 10-12 in Dillon

Public Comments

- John Scully - complements to Dr Zaluski for the manner in which he answered the Legislative Committee audit
 - encouraged all to reiterate the experience had by those living in the DSA
 - need constant efforts toward funding producers in DSA and fees to producers
- Meg Smith - inspector issue, not enough communication, inspectors confused, vets confused--shipping cattle is chaos even without these issues
- John Lehfeldt, board member, the burden of information seems to lay on DOL
 - encouraged MSGA, and other producer organizations to provide information to producer members
- David Alderdice asked board to have Mr. Grainger to actually investigate Choteau County regarding the cattle incidents (originally brought to the board by John Bold)
 - his incidents are escalating and he has spoken to other producers with like problems
 - continuous trespass cattle on his CRP land, could lose his CRP standing because of cattle on his land
 - Paul Johnson helped as soon as he was called the first time
 - next time Paul said he legally could not help so he needs to work with Rocky Highfill
 - wants a publicized public meeting that anyone can attend for comments on this issue; county attorney and sheriff, producers, Christian Mackay, and Jan French
 - wants everything in writing
- Christian Mackay explained that the department made the county attorney and sheriff aware of their responsibilities at the prior meetings and thought things were taken care of.
- Board member John Lehfeldt asked John Bold to set up the meeting with Board of Livestock members attending.
- John Bold replied that the meeting should be set up by officials being paid to do their job
- Chair Jan French will contact the head of the Choteau County Livestock Protective Association, Kraig Meeks, and ask for a daytime meeting, posted notices and publicized, with all county officials and the BOL in attendance.
- Glen Hockett, Greater Wildlife Association
 - not happy with bison hazing or the IBMP
 - GWA goal was brucellosis eradication by 2010
 - Senator Debbie Barrett intends to introduce legislation that would expand the current bison management plan to include "other wildlife"

MINUTES BOARD OF LIVESTOCK MEETING

- GWA feels this proposal is a grave error
- DOL should not have authority over other wildlife or bison, FWP is the correct agency to deal with those issues
- provided letter to the board requesting the board work in cooperation with GWA on drafting legislation that achieves four goals as set out in the letter.

5:30 PM Adjournment

5:45 PM Executive Session

- Personal right to privacy exceeds the public right to know.

May 18, 2010

8:00 AM Call to Order

BOARD MEMBERS PRESENT:

Jan French, Chair, cattle producer

Jeffery Lewis, dairy producer

Linda Nielsen, Vice-chair, cattle producer

ABSENT

Ed Waldner, swine producer

Stan Boone, cattle producer

John Lehfeltdt, sheep producer

Brett DeBruycker, cattle producer

STAFF PRESENT:

Dan Turcotte, Milk & Egg Bureau

Dr Jeanne Rankin, Animal Health

George Harris, Centralized Services

Carol Olmstead, Meat Inspection

PUBLIC PRESENT:

Tom Blaus, Core Mark

DIVISION REPORTS CONTINUED

Centralized Services, George Harris

- Action Item 5.10.4 - EPP 2012-2013
 - reviewed EPP requests from each division
 - provided summary sheet of department priorities
 - Veterinary Diagnostic Lab -retain general fund monies is #1
 - Animal Health DSA funding is #5, DSA vet and compliance specialist is #6
 - presented total requests and asked for input
 - Christian Mackay recommended filling two vacant brand enforcement positions
 - Brand Recorder
 - Market Compliance Auditor
 - the vacant lab pathologist position will be advertised later this summer

John Lehfeltdt moved to approve the EPP budget request as presented. Linda Nielsen seconded. The motion carried unanimously.

- Out-of State Travel Budget
 - Reviewed the out-of-state travel requests for 2012 & 2013
 - requested board adjustments and approval (any out-of-state travel not approved in this budget must be requested and approved by the board prior to travel)

MINUTES BOARD OF LIVESTOCK MEETING

- total out-of-state travel requested = \$61,506

Jeff Lewis moved to accept out of state travel budget as presented. Linda Nielsen seconded. The motion carried unanimously.

- Predator Control Program
 - total budget \$319,500 less helicopter insurance of \$396,614
 - then the five counties that opted out of the WS program and run their own predator programs are returned a cost adjusted amount of the per capita dollars designated to the predator control program
 - 2010 total due to counties after cost adjustments = \$33,586
 - Powder River \$10,378
 - Carter \$8,905
 - Dawson (1/2) \$2,841
 - Richland \$4,747
 - McCone \$4,593
 - Total \$31,105

The balance goes to Wildlife Services for predator control operations

John Lehfeldt moved to approve allocations as presented. Jeff Lewis seconded. The motion carried unanimously.

9:15 AM Recess

9:30 AM Reconvene

Milk & Egg, Dan Turcotte

- Updates
 - Montana plant with staph positive cheese test
 - the latest federal test showed the staph down to an acceptable level for FDA
 - the producer says if FDA allows that level they will continue producing
 - the department is letting FDA take the lead as we do not have embargo authority
 - DPHHS does have embargo power if conditions worsen
 - Kalispell Creamy equipment has been tested out and they can begin bottling milk at any time -just waiting on staff issues
 - On the egg front
 - Montana Egg broke ground in Great Falls with operations set to begin in October
 - USDA is in the state, on Wednesday Dan will work with them in Great Falls, on Thursday Lisa will be certified School Lunch poultry checker, then they go to Billings
 - HACCP
 - New producer rules are coming from FDA regarding poultry
 - in 2012 salmonella testing will be required for poultry producers testing eggs
 - Dan is working with Dr Layton to get VDL testing up and running
 - VDL testing will save producers shipping costs (would have to ship out of state and return to sell in Montana)
 - Milk dating issues

MINUTES BOARD OF LIVESTOCK MEETING

- Christian Mackay said there was another two days of testimony at the milk date hearing, done for now per attorneys
- may need more witness documents provided, postponed until June
- findings may come before the board by October meeting
- Raw milk
 - hasn't gone away
 - anticipate a move in this legislative session
 - department is policing internet for advertising raw milk and sending a warning letter may have caused them to go underground
 - about 26 states allow raw milk sales and they are having high incidents in those areas

USDA Wildlife Services, Kraig Glazier

- Helicopter
 - WS acquired some funding to lease a helicopter for 180 hours (about \$80,000)
 - just finished that operation, saved about \$80,000 of department funds while providing more program flying time
- Wolves
 - wolf incidents continue to increase taking more WS time and taking away from traditional predator work (coyotes, etc)
 - all predation is higher - wolves, coyotes, etc)
 - on the Marias in April a grizzly was sighted miles from the mountains
 - two grizzlies are hanging out in the Simms area
 - there currently are 11 ongoing wolf control operations
 - WS is taking one or two individuals or the whole packs as needed
 - 255 wolf mortality but the wolf population continues to grow
 - there are six counties in the Western part of the state with beef predator organizations, need more to help with predator control costs

Public Comments

Next Board Meeting

- JULY 26 & 27, 2010

10:20 AM ADJOURNMENT

JAN FRENCH, CHAIRMAN
BOARD OF LIVESTOCK